

DEPARTMENT OF AGRICULTURE AND TECHNICAL
INSTRUCTION FOR IRELAND.

R E P O R T

OF THE

DEPARTMENTAL COMMITTEE

ON

IRISH INLAND FISHERIES.

Presented to Parliament by Command of His Majesty.



DUBLIN:

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1912.

TO HIS EXCELLENCY JOHN CAMPBELL, EARL OF ABERDEEN, &c., &c.,
LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY,

I am directed by the Vice-President to submit to Your Excellency the Report
of the Departmental Committee on Irish Inland Fisheries.

I have the honour to remain,

Your Excellency's faithful Servant,

T. P. GILL,

Secretary.

Department of Agriculture and
Technical Instruction for Ireland,
Upper Merrion Street,
DUBLIN, 25th September, 1912.

CONTENTS.

| | | | | | | | | | |
|---------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|----|
| MINUTE APPOINTING THE COMMITTEE | ... | ... | ... | ... | ... | ... | ... | ... | v. |
|---------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|----|

REPORT :—

| | | | | | | | | | |
|--|-----|-----|-----|-----|-----|-----|-----|-----|------|
| | | | | | | | | | PAGE |
| Procedure | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| Ownership of Fisheries | ... | ... | ... | ... | ... | ... | ... | ... | 2 |
| Position of Fisheries under the Land Purchase Acts | ... | ... | ... | ... | ... | ... | ... | ... | 2 |
| Position of Fisheries under the Congested Districts Board | ... | ... | ... | ... | ... | ... | ... | ... | 3 |
| Reservation of Fishing Rights by Estates Commissioners and Congested Districts Board | ... | ... | ... | ... | ... | ... | ... | ... | 3 |
| Treatment of Fishing Rights by Tenant Purchasers | ... | ... | ... | ... | ... | ... | ... | ... | 3 |
| Combination of Tenant Purchasers in Dealing with Rights | ... | ... | ... | ... | ... | ... | ... | ... | 3 |

Control and Management of the Fisheries :—

| | | | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|-----|-----|---|
| The Central Fishery Authority—the Department of Agriculture and Technical Instruction | ... | ... | ... | ... | ... | ... | ... | ... | 3 |
| The Local Authorities—Boards of Conservators | ... | ... | ... | ... | ... | ... | ... | ... | 4 |
| Funds of the Boards of Conservators | ... | ... | ... | ... | ... | ... | ... | ... | 4 |
| Rod and Net Licences | ... | ... | ... | ... | ... | ... | ... | ... | 5 |
| Proposed Licence for Trout Angling | ... | ... | ... | ... | ... | ... | ... | ... | 5 |
| The ten per cent. Rate | ... | ... | ... | ... | ... | ... | ... | ... | 5 |
| Voluntary Contributions and Grants from the Department | ... | ... | ... | ... | ... | ... | ... | ... | 6 |
| Representation of District Councils on Boards of Conservators | ... | ... | ... | ... | ... | ... | ... | ... | 6 |
| Fisheries either not Valued or Unused | ... | ... | ... | ... | ... | ... | ... | ... | 6 |
| Need for Effective Local Control | ... | ... | ... | ... | ... | ... | ... | ... | 6 |
| Reconstruction of Boards of Conservators | ... | ... | ... | ... | ... | ... | ... | ... | 7 |
| Value of Fisheries and Need for Preservation | ... | ... | ... | ... | ... | ... | ... | ... | 8 |
| Decline in the Stock of Fish in Irish Rivers | ... | ... | ... | ... | ... | ... | ... | ... | 9 |
| Chief Methods of Fishing at Present Pursued | ... | ... | ... | ... | ... | ... | ... | ... | 9 |
| Limitation of Netting in Fresh Water | ... | ... | ... | ... | ... | ... | ... | ... | 9 |
| Regulation of Drift Netting at Sea | ... | ... | ... | ... | ... | ... | ... | ... | 9 |
| Inadequacy of Protection | ... | ... | ... | ... | ... | ... | ... | ... | 9 |

CONTENTS—*continued*.

| | |
|--|----|
| Assistance from the Royal Irish Constabulary | 10 |
| The Weekly and Annual Close Times | 10 |
| Penalties for Breaches of the Fishery Laws | 11 |
| Protection and Development of Trout Streams | 11 |
| Fish Passes in Mill Dams | 11 |
| "The King's Gap" in Fishing Weirs | 12 |
| Summary of Principal Conclusions and Recommendations | 12 |
| Memorandum on the Present Condition of Trout Fishing, by the Rev. Dr. Mahaffy | 15 |
| Note by the Chairman | 22 |
| Note by Mr. Stephen Gwynn, M.P. | 22 |

C O P Y

O F

M I N U T E A P P O I N T I N G T H E C O M M I T T E E .

I HEREBY nominate and appoint a Committee to enquire into the effect which changes in the ownership of land in Ireland under the Land Acts have had or may be expected to have on the Fisheries of the country, and in particular on the Salmon Fishing Industry, and to make recommendations as to what steps, if any, it may be desirable in the circumstances for the State to adopt in the interests of Irish Fisheries.

The Committee will consist of the following :—

The Right Hon. Sir DAVID HARREL, K.C.B., K.C.V.O., P.C., etc.
(Chairman).

The Right Hon. Mr. JUSTICE ROSS, P.C., Land Judge, High Court of Justice in Ireland.

The Right Hon. F. S. WRENCH, P.C., Estates Commissioner.

The Reverend JOHN PENTLAND MARAFFY, D.C.L., LL.D., C.V.O., etc.,
Senior Fellow of Trinity College, Dublin.

STEPHEN L. GWYNN, Esq., M.P.

W. L. CALDERWOOD, Esq., F.R.S.E., Inspector of Salmon Fisheries for Scotland.

W. S. GREEN, Esq., C.B., M.A., F.R.G.S., M.R.I.A., Chief Inspector of Fisheries for the Department of Agriculture and Technical Instruction for Ireland.

(Signed) T. W. RUSSELL,
Vice-President of the Department of Agriculture
and Technical Instruction for Ireland.

Dated this 28th day of January, 1911.

DEPARTMENTAL COMMITTEE ON IRISH INLAND FISHERIES.

REPORT.

TO THE RIGHT HON. T. W. RUSSELL, M.P.,

VICE-PRESIDENT OF THE DEPARTMENT OF AGRICULTURE AND TECHNICAL
INSTRUCTION FOR IRELAND.

SIR,

By your Minute of the 28th January, 1911, we were appointed a Committee to "enquire into the effect which changes in the ownership of land in Ireland under the Land Acts have had, or may be expected to have, on the Fisheries of the country, and in particular on the Salmon Fishing Industry, and to make recommendations as to what steps, if any, it may be desirable in the circumstances for the State to adopt in the interests of Irish Fisheries."

We have now agreed to the following Report:—

PROCEDURE.

1. At our first meeting, held in Dublin on 22nd February, 1911, the question of our procedure was considered. At two subsequent meetings in Dublin evidence was received from officials of the Department of Agriculture and Technical Instruction, the Land Commission, the Congested Districts Board and the Valuation Office, as well as from some witnesses who had special knowledge of the general subject of our inquiry, and who had been invited to attend. We realised at an early stage that visits to certain centres on or near the more important rivers would be necessary, in order that persons acquainted with local conditions might be encouraged to afford us the benefit of their opinions and experience. Twenty-three centres were visited, and at each a number of witnesses gave evidence. In the selection of witnesses we aimed at getting information regarding all the various interests concerned.

2. Our investigations have of course been directed mainly to the specific subject referred to in the terms of our reference, which are quoted above. But we had not proceeded far with our inquiry when it became evident that the interests of the tenant purchasers, and the effects of their ownership, were closely bound up with the general conditions of the fisheries, particularly in respect of the methods of fishing pursued, the prevalence of poaching, and the inadequacy of the protection afforded. Evidence regarding these conditions was offered to us at all our sittings, and having regard to its intimate bearing on the matter of our inquiry, we found it essential, if our work were to be of any value, to receive and consider fully this class of evidence. We have therefore necessarily enlarged the scope of our inquiry somewhat beyond a strict interpretation of the terms of reference.

3. We now proceed to deal with the conditions disclosed by the evidence presented to us, and to state the conclusions at which we have arrived.

OWNERSHIP OF FISHERIES.

4. The ownership of salmon and trout fisheries in Ireland is mainly dependent on whether they are situate in tidal or non-tidal waters.

5. Where the fisheries are situate in tidal waters, the presumption is that the bed and soil are vested in the Crown, subject to the recognised public right of fishing. In some cases, however, the fisheries have, under ancient charters from the Crown, become the property of private owners.

6. Fisheries situate in non-tidal waters are, as a general rule, the property of the owners of the estates which contain, or are bounded by, rivers or lakes. There are cases in which, by assignment or other process of law, the fisheries have passed from the owners of estates. In these cases the property in the bed and soil of the rivers or lakes sometimes went with the fishery rights, and sometimes remained with the owners of the estates. As an example of a case where the fishery rights are not held by the owners of the riparian lands, we may instance the river Bann.

7. The Irish Land Purchase Acts, which were passed to enable occupying tenants to purchase the fee simple of their holdings, have not, in the circumstances above stated, affected the ownership of fishery rights in tidal waters, but have to a considerable extent brought about a change in the ownership of fisheries in non-tidal waters.

POSITION OF FISHERIES UNDER THE LAND PURCHASE ACTS.

8. In his evidence before us, Mr. Crockshank, the Chief Examiner and Legal Adviser to the Estates Commissioners, called attention to the provisions of the various Land Purchase Acts as regards the destination of the fishing rights on sales under these Acts. These provisions may be summarized as follows:—

9. In the case of sales of holdings through the Land Commission, other than sales through the Estates Commissioners under the Acts of 1903-9, as a general rule the purchasing tenants got the fishing rights if they were the property of the vendor. In the case of sales through the Estates Commissioners three courses are, under Section 13 of the Act of 1903, open to the parties when arranging the terms of sale, viz.:—the fishing rights the property of the vendor may either (1) by agreement between the vendor and the purchasing tenants be conveyed to the purchasing tenants, or (2) be reserved to the vendor, or (3) be vested in the Commissioners.

10. In the case of direct sales of estates by landlords to their tenants under the Acts of 1903-9 (which class of sales cover about seven-eighths of the sales now before the Estates Commissioners) the disposal of the fishing rights owned by the vendor is a matter for arrangement between him and his purchasing tenants, and, in the absence of an agreement in respect of the fishing rights, these rights are vested in the Commissioners. In the case of estates which are not the subject of direct sale, but which are purchased by the Estates Commissioners for the purpose of resale to the tenants, the Commissioners are parties to the purchase agreement, and, therefore, to the disposal of the fishing rights.

11. The estates which have already passed from landlords to occupying tenants through the instrumentality of the Land Commission and the Estates Commissioners are very numerous, and it would not therefore be possible, nor would it be of any particular advantage, to consider in detail matters affecting the fishing rights on all these estates. It will suffice to say that the transfer of the rights to the tenant purchasers has not, in the main, resulted in any pecuniary profit to the purchasers.

TREATMENT OF FISHING RIGHTS BY TENANT PURCHASERS.

12. In some few instances tenant purchasers have combined for the purpose of leasing their fishings. In other cases they have been able to let them individually. But as a rule they have made little or no use of their rights, unless it be to assert them by warning off anglers as trespassers, or to net the pools in front of their farms. Apart from the mere jealous assertion of newly acquired rights, there appears to be a vague belief that these rights will some day turn out to be of enormous value, though no care is taken to preserve or improve them. There are also many properties that have been acquired by tenant purchasers, adjoining rivers and streams which are of no fishing value, except possibly for trout, but which are of immense importance as spawning places for salmon.

POSITION OF FISHERIES UNDER THE CONGESTED DISTRICTS BOARD.

13. The Congested Districts Board have purchased a large amount of property in the congested districts counties. The Board conduct the negotiations for the purchase of these estates with the owner, and when the price has been arranged, the estate is vested in the Board by the Estates Commissioners, or, in certain cases, by the Land Judge.

14. Up to 31st March, 1911, the Board had dealt with thirty-six rivers which passed through, or formed part of the boundaries of, estates purchased by them. The fishing rights on six of these rivers were, with the Board's consent, reserved by the owner, it being clear that the tenants had not previously possessed or claimed any such rights. In three other instances the fishing rights were reserved to the vendors for their lives, or for the lives of members of their families, on the termination of which the rights will fall to the Board. In the remaining twenty-seven cases the fishing rights were included in the purchase of the estates. From six of these rivers a fishing revenue is derivable, and they consequently have a substantial value. Where that is the case, the Board have, up to the present, with one exception, reserved and kept in their own hands the river bed and the rights of fishing when selling to the tenants. The other twenty-one rivers purchased have little fishing value. The fishing rights on twelve of these have been sold to the tenants with their holdings, while in nine cases these rights have been reserved by the Board.

RESERVATION OF FISHING RIGHTS BY ESTATES COMMISSIONERS AND CONGESTED DISTRICTS BOARD.

15. We are of opinion that in future sales to and through the Estates Commissioners and to the Congested Districts Board, rights of fishing should be reserved, wherever possible, to the Commissioners or to the Board as the case may be. We think that such reservation could be most profitably used in bringing about combinations of riparian owners.

COMBINATION OF TENANT PURCHASERS IN DEALING WITH RIGHTS.

16. It is clear that some form of combination amongst tenant purchasers whose fishings adjoin is essential to the general welfare of the fisheries, as well as to the interests of the tenant purchasers themselves. Action in the direction of promoting suitable forms of combination might be taken at the discretion of the Commissioners or the Board, through local Committees or through the Conservators, according to circumstances.

CONTROL AND MANAGEMENT OF THE FISHERIES.

THE CENTRAL AUTHORITY.

17. With the creation of the Department of Agriculture and Technical Instruction in 1900, all the powers formerly vested in the Inspectors of Fisheries were transferred to that Department, which is now the central Fishery Authority.

These powers, so far as inland fisheries are concerned, include, amongst other things, the making of bye-laws, rules and regulations for the protection and government of the fisheries, fixing close seasons, in some cases directing prosecutions, supervising the expenditure of the Boards of Conservators, and exercising a number of judicial functions in regard to fisheries.

18. Bye-laws made by the Department are subject to confirmation by the Lord Lieutenant in Council, and there is a right of appeal to the Privy Council against the provisions of any intended bye-law. The existing law provides only for the approval or rejection *in toto* of bye-laws affecting inland fisheries, and does not contemplate their amendment by the Council.

THE LOCAL AUTHORITIES—BOARDS OF CONSERVATORS.

19. The local administration of the fishery laws, and the protection and management of the fisheries, are in the charge of the Boards of Conservators. There are twenty-five Fishery Districts in Ireland, and a Board of Conservators for each district. The membership of these Boards consists of two classes—*ex-officio* members and elected members. Any proprietor of land on the bank of a river in the district, who is a Justice of the Peace and holds a fishing licence, and any owner, lessee or occupier of a several fishery valued at £100 yearly or upwards, is entitled to *ex-officio* membership. The proportion of *ex-officio* Conservators varies, but it may be taken that it is at least equal to, where it does not exceed, the number of those elected.

20. The Local Government Act of 1898 provides for another class of *ex-officio* Conservators. Under that Act, District Councils may be represented on the Boards of Conservators in virtue of contributions to the Boards' funds. This provision has, however, been found in practice to be inoperative.

21. The number of Conservators to be elected is, under statute, fixed for each district by the Department of Agriculture and Technical Instruction.

22. All licence holders in a fishery district, including those paying licence duty for eel or pollen fishing, have votes for the election of Conservators, and there is a scale of votes according to the amount of licence duty paid. As many of the licence holders are merely visitors to the district, numbers of votes are given by proxy. The elections of Conservators take place triennially.

23. Conservators represent the interests of (a) the licence holders, (b) riparian proprietors in the district who possess several fisheries valued at one hundred pounds a year or upwards, and (c) riparian owners who are Justices of the Peace and who hold fishing licences. But under the present system, the owners of small holdings on the banks of rivers, which have been created by sales under the Land Acts, and who may be liable for the payment to the Conservators of the ten per cent. rate chargeable on their Poor Law valuation, find, as such, no representation. This unquestionably presents a difficulty to local administration in enlisting the interest and assistance of this new class of riparian owners.

24. The general duties of the Conservators appear in most instances to be carried out by a limited number of their members, and it would be unfair to the gentlemen who give their time and attention to the discharge of these duties, to underrate or not sufficiently appreciate the value of their services, which are described as often being given under circumstances of considerable discouragement. The opinion was universally expressed that the funds placed at the disposal of the Conservators are inadequate, and do not admit of a due discharge of even their primary obligations.

FUNDS OF THE BOARDS OF CONSERVATORS.

25. The funds of the Boards of Conservators are derived from (1) licence duties, (2) a ten per cent. rate on the valuation of the fisheries, (3) fines, (4) subscriptions, (5) the proceeds of the sale of forfeited engines, and (6), in many cases, grants from the Department of Agriculture and Technical Instruction.

Rod Licences.

26. Naturally the different classes of licence holders have different views as to the sums respectively paid by them. The only observations offered to us in evidence as to the licence duties paid by rod and line fishermen pointed out that a licence taken out in any one district enables a rod fisherman to fish in any river in Ireland. It was suggested that these licences should be issued by a central authority, and the funds derived from them distributed equitably, or that, if issued locally, a small endorsement fee should be payable when the licence holder moved to another fishery district. We recommend the adoption of the latter alternative.

Net Licences.

27. In the matter of licences for nets and other engines, there appeared to be some grounds for the statement that the licence duties are not fixed in fair proportion to the average earnings of the several forms of nets, and that many of them are too low. We think that a revision of the licence duties on nets is required, and that if an equitable scale of maximum duties were fixed it would result in an increase of the Conservators' revenue under this head.

Proposed Licence for Trout Angling.

28. It has been suggested that persons fishing for trout with rod and line should be required to take out a licence. We think that such a tax upon some classes of trout anglers would be quite justifiable, but that in certain other cases the imposition of a licence duty would not be reasonable. We recommend that statutory provision be made for imposing a licence duty on trout fishing with rod and line, and that the power to apply the provisions of such statute to the whole or portion of a fishery district should be left to the Conservators of the district, subject to the approval of the Department. The maximum licence duty in such cases should be fixed at ten shillings.

The ten per cent. Rate.

29. The organisation for the collection of the ten per cent. rate on the valuation of some rivers was described in the evidence as imperfect and ineffective. The system of valuation is sufficiently comprehensive, but the results in practice are not uniform. At any rate, even if the rivers be valued, the collection of the ten per cent. rate appears to be confined usually to those portions of them which are rented, or which are of high value. All such properties contribute to the local rates, which on the average amount to fifteen per cent. and upwards on the valuation. It has been shown to us as somewhat anomalous that while the Conservators, who are responsible for all the expenditure on the rivers, receive only two shillings in the pound on valuation, the local authorities, who do not spend one penny on the rivers, receive from three shillings upwards. We are strongly of opinion that properties in fishing should be released from contribution to local rates, so that all money which is derived from any tax on fishing might be spent for the general purposes of improvement and preservation; and we consider that, in lieu of these rates, Conservators should be empowered to increase the ten per cent. rate to fifteen per cent., or to such higher percentage, not exceeding twenty per cent., as may be approved by the Department.

30. We also notice that the portion of the Conservators' income which consists of the ten per cent. rate is in most districts small. These are defects which should be remedied, and we have no doubt that a thoroughly organised revision and system as regards both valuation and collection would lead to a large increase of revenue.

31. The existing fishery laws allow the amount payable on a fishery in respect of the ten per cent. rate to be reduced by the amount of the licence duty paid by the owner. For example, the proprietor of a fishery valued at two hundred pounds a year who paid a licence duty of twenty pounds would not contribute anything in respect of the ten per cent. rate. We consider that the sections of the Acts which provide for this abatement should be repealed.

Voluntary Contributions and Grants from the Department.

32. Voluntary contributions to the Conservators' funds by owners of fisheries have been represented as fluctuating and uncertain, and the grants from the Department of Agriculture and Technical Instruction which are dependent upon, and in proportion to, the voluntary subscriptions, must be equally uncertain. These sources of revenue are resorted to by the Conservators under the conditions of necessity which undoubtedly exist, and the circumstances encouraged some witnesses to suggest that the entire funds for the discharge of the duties of the Conservators ought to be supplied by the Government; but this was not pressed with any force, and the general conclusion suggested was that the expenditure involved in the protection and development of the fisheries should in the main be met locally.

REPRESENTATION OF DISTRICT COUNCILS ON BOARDS OF CONSERVATORS.

33. We notice with regret that, as already indicated, Sec. 37 of the Local Government Act of 1898, which provides for contributions to the funds of the Conservators by District Councils, has been inoperative. The fact that fisheries and rivers, where valued, are placed under contributions to the local rates, no portion of which is expended on the rivers, would appear to have made it the more reasonable that District Councils should contribute to the funds of the Conservators. But, on the other hand, having regard to the large number of rural and urban districts through which rivers and their tributaries run, it would be wholly impracticable to give these districts representation on the Boards of Conservators. In the Limerick Fishery District there are seventy-one urban and rural districts which might subscribe, and each of them, in the event of their subscribing, would be entitled to representation on the Limerick Board.

34. We do not consider that this section of the Local Government Act is workable, and we strongly recommend that it should be repealed.

FISHERIES EITHER NOT VALUED OR UNUSED.

35. We consider that Boards of Conservators might, in addition to the duties they already discharge, be vested with authority to take over and administer portions of rivers not valued against adjoining land owners, as well as portions which, although valued, were derelict or were being used by the riparian owners to the prejudice of the general interest. The exercise of these powers might be made dependent upon the passing of an empowering bye-law. Any authority to be exercised in this manner should be given for a specified number of years, and where net profits are derived, such profits might be equitably distributed by the Conservators amongst the riparian owners.

NEED FOR EFFECTIVE LOCAL CONTROL.

36. The value of the fishing rights which have been, or may hereafter be acquired by tenant purchasers will obviously depend upon the condition of the rivers. The primary consideration is the maintenance and, when possible, the increase of the stock of fish. The claims of the sportsman and the commercial aspect have to be duly weighed, the interests of each being so balanced as to give equitable results. The stock of fish is reduced by the non-observance of the annual and weekly close seasons, by unlawful methods of fishing in the open season, and by the destruction or disturbance of spawning fish. A river will also suffer considerable injury if the engines used in fishing it, though legal in themselves and legally used, be excessive in number. Having regard to the large interests concerned and the various classes affected, we are convinced that local administration by representative bodies invested with full powers, is a paramount necessity in any scheme for the improvement of the inland fisheries.

RECONSTRUCTION OF BOARDS OF CONSERVATORS.

37. We recommend the reconstruction of the Boards of Conservators mainly with the view that, in the exercise of the increased powers with which we propose they should be entrusted, they may be made representative of all the interests relating to the inland fisheries.

38. We consider it a matter of capital importance that the Department should be brought into intimate working connection with the Boards of Conservators in all feasible ways, particularly in regard to the audit of accounts and the appointment of officials.

39. We have formed the strongest opinion that the future of the inland fisheries of this country will greatly depend upon co-operative and harmonious action by the Department and fully representative local authorities.

40. In lieu of the present constitution of the Boards of Conservators we suggest that they should in future consist of elected and nominated members, the numbers being fixed for each fishery district by the Department. The nominated members, we think, should not exceed one-fourth of the whole. The conditions and requirements of the various fishery districts are so different that we do not attempt to prescribe rules for elections and nominations. We consider that the Department should discharge this duty. Our observations on the subject are intended to be merely suggestive. The fixing of electoral divisions, the proportionate representation of tidal and non-tidal waters, the numbers of votes to be assigned to the various scales of licences and to the amount of rates paid, are all matters that must to some extent be dependent on the circumstances of each fishery district.

Elected Members.

41. We think that candidates for election should be either riparian owners paying the ten per cent. tax, or licence holders who not only have a licence at the time of candidature, but who also have held a licence for at least the two previous years.

The Electorate.

42. The electorate might consist of all licence holders, and all riparian owners in the fishery district who are rated contributors to the Conservators' funds. Elections should be held every three years as at present.

Nominated Members.

43. The Conservators nominated by the Department should be selected from riparian owners and licence holders who contribute most largely to the funds of the fishery district, either by rates or by licence duties, or by both; or who, contributing to the funds, are largely interested in the fisheries of the district. At least one-half of the members so nominated should be riparian owners. Members nominated as licence holders should hold office only while continuing to pay licence duty. Nominated members should be appointed for three years, or for a shorter period terminating at the end of the period for which the elected members hold office. All vacancies arising amongst nominated members should be filled by the Department. The electoral divisions should be fixed by the Department, and the nominated members might be chosen by electoral divisions, or over the whole fishery district, as the Department might decide.

44. The Boards thus formed should elect a Chairman, who should have a casting vote. They should, of course, have power to appoint one or more executive committees of their members.

Disqualification for Offences against Fishery Laws.

45. Persons convicted of an offence against the fishery laws should be disqualified both as candidates and as electors for a period of three years from the date of the conviction. Licence holders so convicted might, at the discretion of the court, be subject to forfeiture and refusal of renewal of licence.

46. A Conservator convicted of an offence against the fishery laws should cease to act as such, and should be ineligible as a candidate for three years from the date of his conviction. Vacancies on the Boards arising in this way should be filled in the manner prescribed by law for the filling of casual vacancies.

Appointment of Executive Committees, etc.

47. As regards Boards of Conservators whose districts are widely extended, it seems desirable that many of their duties should be discharged by executive committees, and that even the meetings of the full Boards should be held alternately at different centres. If at all practicable, great advantage would be derived from the presence of an officer of the Department at the meetings of the Boards.

VALUE OF FISHERIES AND NEED FOR PRESERVATION.

48. Throughout our inquiry we have been impressed by the enormous value of the fisheries of Ireland as a national property. The magnitude of the interests concerned in the salmon fishing industry on the Irish rivers and their estuaries and in the sea is shown by the fact that, apart from the incidental and by-profits, the value of these fisheries may be fairly estimated at half a million pounds per annum.

49. The number of men fishing on common law rights is approximately eight thousand. There were issued during the year 1910, 667 licences for drift nets (five men, on the average, being employed on each net), 694 licences for draft nets (six men per net), and 220 licences for snap nets (four men per net). To these eight thousand men must be added the men working the proprietary weirs and drag nets. Set against this are the rod licences, of which a considerable number are held by professional anglers. A large number of men fish on the fresh water portions of rivers which, though technically private, have long been treated as free fishings. These men make part of their living by fishing. A further large number—difficult to estimate—make portion of their living by attending anglers and hiring out boats to them.

50. The immense importance of preserving and developing so valuable a property is manifest. In this connection a clear distinction must be drawn between the preservation of salmon and the preservation of winged or ground game. The salmon's life is divided between the sea and river, and in the sea a salmon may be legally captured by any person who has paid licence. There is no right of private ownership in the fish, except during its passage from the sea to the spawning beds. From the beginning of the close season to the fish's passing back into the sea it is protected by law against all persons, and is in fact public property, as are also the salmon fry and smolts. No owner of a river is entitled to capture or destroy these, even in his own water. The whole stock of salmon is thus in the main public property, subject to certain private rights during the fishing season in fresh water. This asset of public property inures to the benefit of working fishermen, even more than to that of sportsmen or of the owners of proprietary netting rights.

51. When a source of so much national wealth and of livelihood is at stake, there is no need to lay stress on the justification and necessity for vigilant public control. The necessity is the greater because the spawning grounds, where the fish are easily captured, often lie in waters where the fish do not come at all in the open season. It seems to us that the time has come when it should be conveyed to the people of this country that a powerful effort ought to be made to preserve this great possession for the benefit of all.

DECLINE IN THE STOCK OF FISH IN IRISH RIVERS.

52. We regret to record that, with few exceptions, the evidence presented to us indicated that, owing to numerous adverse causes, salmon in the Irish rivers as a whole are not being maintained either in number or size, and that the existing conditions are such as to threaten the gradual extinction of this most valuable national asset. The rising prices for salmon, the improved facilities for carriage, but, above all, the netting now practised, are in our opinion the main factors which bring about the decline in the general stock of fish. Netting in the open sea is conducted on a scale that a few years ago was not contemplated, and even further developments in this direction seem very probable.

THE CHIEF METHODS OF FISHING AT PRESENT PURSUED.

53. In addition to fishing with rod and line, several other methods of fishing are, with certain restrictions, allowed by law. Netting is pursued in most of the large rivers, estuaries and lakes. The chief descriptions of nets used for the capture of salmon are, in the tidal waters, drift nets, draft nets, snap nets, stake nets and hag nets, and in the fresh water, snap nets, draft nets, and a variety of modifications of these nets. Ancient stone weirs for fishing are fixed in many of the chief rivers and form valuable, if somewhat injurious, properties.

LIMITATION OF NETTING IN FRESH WATER.

54. Without suggesting to the Department any specific line of action in the matter, we deem it right to record that during our inquiries we have formed the opinion that netting in fresh water should be abolished as far as may be practicable.

55. The advantages which may accrue to tenant purchasers as riparian owners, whether in combination or as individuals, will be mainly derived from lettings to rod and line fishermen. This makes it the more important that net fishing in fresh waters should be kept within the narrowest possible limits.

56. We are of opinion that the licensing of new nets on the fresh water portion of any river should be subject to the approval of the Department.

REGULATION OF DRIFT NETTING AT SEA.

57. We also consider that the extent to which drift nets in the sea are at present being used, and their possible development in the future, demand serious attention. It may be difficult to place a limit upon the number of drift nets to be licensed, but the length of these nets can be regulated, and ought to be fixed at a reasonable maximum. The evasion of such a limit by the joining together of two or more nets of legal length, and fishing with them as one, should be strictly prohibited.

INADEQUACY OF PROTECTION.

58. The illegal destruction of fish, which has always been a common offence, and regarded by many as a sport, is a danger which must be combated. In every district which we visited, evidence as to the wide-spread prevalence of poaching, and its disastrous effects, was presented to us.

59. The all-important question arises whether the Boards of Conservators, as at present constituted and equipped, are in a position to give the increased protection which the new conditions urgently demand. The conclusion we have arrived at is that they are not. In the first place, the available funds are wholly inadequate, and the limited numbers of water bailiffs the Boards are able to employ are quite insufficient to cope with the miles of fishing water and spawning streams which form the large river systems. Inadequate wages seem to secure local men only, and of a class unsuited to the discharge of onerous and responsible duties.

60. There are two distinct classes of protection against the unlawful taking of fish, viz. :—the protection required in the open season in places where fishing is pursued, and that which is quite as necessary in the close season in streams and tributaries that are not fishable, but which contain the spawning beds.

61. As regards the first class of protection, in nearly all the rivers, tidal and non-tidal, a larger number of bailiffs is essential. It should be possible, so far as the fresh water is concerned, to bring about a considerable improvement by appealing to riparian proprietors, in their own interests, to protect, and thereby increase the value of, their fishing property. But as regards the close season and the protection of small streams and tributaries, it has not been suggested to us that there are any means of preventing the disturbance and destruction of spawning fish except the employment of an adequate staff of watchers.

ASSISTANCE FROM THE ROYAL IRISH CONSTABULARY.

62. We join in the general appreciation of the valuable protective services rendered by the Royal Irish Constabulary, but we cannot help thinking that the instructions issued to the force in this regard might be more definite. We do not suggest that the Constabulary should be employed as watchers on rivers for the protection of individual interests; but we are strongly of opinion that their presence in support of bailiffs, when it is anticipated that bands of persons engaged in breaches of the fishery laws will be encountered, would give these officers a most necessary protection. The prevention of the destruction of spawning fish, of illegal fishing at night, and of all other breaches of the fishery laws which affect the public interests, should, in our opinion, be included specifically within the category of important duties for the discharge of which the Inspector-General would hold the members of the force responsible.

THE WEEKLY CLOSE TIME.

63. The weekly close time, namely, from six o'clock on Saturday morning until six o'clock on Monday morning, does not, in the cases of some important rivers, meet the intention of the framers of the statute. A distance of considerably over fifty miles may separate the various nets, weirs, and other engines in the river, and in the passage of fish from the sea such a distance as fifty miles or upwards is not, as a rule, traversed by salmon in forty-eight hours. The result is that a free passage for fish in the tidal portion of a river, leading to a heavy run, may be, and frequently is, inoperative when the fish only reach the non-tidal portions of the river at the end of the existing weekly close time. In fact, the possible results in the upper portions of rivers of the extent here indicated are that the weekly close season not only fails to give a full free passage to any considerable quantity of fish, but, on the contrary, leads to an undue take by the engines of the upper reaches just after the termination of the close time.

64. We consider, therefore, that power should be given to the Department to vary the days and hours of the close time as at present fixed by statute. In the case of certain engines an absolute extension of the weekly close time might be provided for. We think that the Department should also be empowered to impose separate close times for different parts of the same river where that course may be found desirable.

THE ANNUAL CLOSE SEASON.

65. We also consider it desirable that the Department should be empowered to fix different annual close seasons for different parts of the same river.

66. As regards the weekly and annual close seasons, the use of nets and other engines, and the conditions under which they are legally permissible, we are satisfied that, notwithstanding any changes that may be made in the constitution and powers of the Boards of Conservators, the authority at present possessed by the Department of Agriculture should remain unimpaired.

PENALTIES FOR BREACHES OF THE FISHERY LAWS.

67. For many offences against the fishery laws the penalties fixed by statute are high. Even the minimum penalties are such as frequently to lead magistrates to recommend a partial remission. This is undesirable from every point of view. Even where magistrates may think the minimum penalty a not unfair punishment; the fact that applications for remission are usual leads to memorials from all sorts of persons being addressed to the Lord Lieutenant for the exercise of his prerogative. It was pointed out to us that the reduction, on appeal to the Lord Lieutenant, of the penalties imposed by magistrates, resulting in a considerable expenditure on prosecutions without a proportionate deterring effect on offenders, is discouraging to Conservators and prosecutors, and lessens respect for the law amongst the classes who most commonly commit offences against the Fishery Acts.

68. We think that as regards first offences, the minimum penalties might with advantage be reduced. This would admit of courts exercising a larger discretion, and would be a relief from the difficulties presented in weighing the value of the memorials. We are of opinion that an appeal to the County Court Judge, sitting alone, would be attended with beneficial results.

69. When salmon or trout are found in the possession of any person during the close season for nets, the onus of proof that the fish were legally taken lies upon the person possessing them.

70. When legal engines for the capture of fish are found in the possession of any person under circumstances which give rise to a reasonable suspicion that they have been, or are about to be, used for taking fish during the close season, such engines should be liable to seizure, and the onus of proof that they had not been, or were not about to be, so used should lie upon the person in whose possession they are found.

71. When illegal engines and weapons, such as nets, stroke hauls, gaffs, spears, lysters, etc., are found in the possession of any person, under circumstances which may reasonably be regarded as showing that they are about to be, or have been, used for the destruction of fish—either in the open or in the close season—such engines or weapons should be liable to seizure, and the onus of proof that they had not been, or were not about to be, so used should in this case also be upon the person in whose possession they are found.

PROTECTION AND DEVELOPMENT OF TROUT STREAMS.

72. It may be said that the protection of salmon covers the protection of trout; but this is not invariably the case. In the close season particularly, greater attention to trout streams which are only visited by salmon for spawning, would be attended by valuable results. But apart from this aspect of the matter, we believe that numerous trout streams and small lakes, at present negligible, could be developed so as to form valuable properties for riparian owners. In this and in similar matters it cannot be too strongly impressed upon Conservators and their servants, that the display on their part of an interest in the welfare of the riparian owners of the streams and tributaries of the upper waters would lead to those owners giving valuable assistance in preventing poaching and protecting spawning fish.

FISH PASSES IN MILL DAMS.

73. It has been brought to our notice that in certain rivers obstructions exist in the shape of old mill dams, which necessarily interfere with the passage of fish. There is no doubt that the water rights which obtain in connection with these mill dams may possibly have some value in the future, and should be conserved. The construction of effective fish passes in these dams is very necessary. But as the mill dams are at present unused, and often in the possession of poor men, it would not be reasonable to expect the owners to incur the cost of making fish passes. The present method of dealing with such matters is cumbersome, and is in urgent need of amendment. The Department should be fully empowered to deal with this matter, and to prescribe any steps to be taken by the Conservators.

"THE KING'S GAP" IN FISHING WEIRS.

74. To facilitate the passage of fish the Salmon Fishery (Ireland) Act of 1863 provided that fishing weirs should have an opening made in them—known as the King's Gap—to allow at all times of a free passage of fish. An exception was made in the case of certain small chartered or patent weirs, where there was the alternative of increasing the length of the weekly close time instead of insisting on the construction of a King's Gap. The requirements in respect of these gaps were definitely specified. Provisions were included prohibiting owners of weirs from altering the gaps.

75. Where a proprietor by overt act or by neglect of maintenance causes a structural alteration in his weir, by reason of which it fails to comply with the provisions of the law regarding King's Gaps, the law at present gives full authority to deal with him. In some cases, however, changes in respect of the efficiency of gaps have arisen from natural causes, such as the diversion of the current of the river, quite apart from any action on the part of the owner. It is not clear that the Fishery Authority have power to alter the position of such gaps so as to carry out the original intentions of the Act. An amendment of the law appears to be necessary to enable this matter to be dealt with. The natural causes alluded to above would not be likely to operate within a shorter period than ten years. We therefore propose that the Department should be empowered to inspect weirs every ten years, with a view to directing that such alterations be made in the King's Gaps as the circumstances may require.

SUMMARY OF PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS.

The principal conclusions and recommendations embodied in this report may be summarised as follows:—

(1.) The fisheries of Ireland, and particularly the salmon fishing, constitute a national asset of very great value, and the present conditions as well as probable future developments demand very special and strenuous efforts for the preservation and development of the fisheries, both on the part of the public and of the responsible authorities.

(2.) The changes in the tenure of land under the Land Acts have introduced new conditions which, on the whole, bear no promise of improvement or advantage to the fisheries. The tenant purchasers, with very few exceptions, do not make the most, or any, profitable use of their rights of fishing, which consequently have brought them no monetary gain. And apart from their own interests, they do not appear to have grasped the importance of fishery preservation from the standpoint of the public advantage.

(3.) Netting both in fresh waters and in estuaries and the sea is carried on to an excessive degree. Poaching is widely prevalent with most disastrous effects. The protection afforded under present arrangements is quite insufficient. These several causes have combined to reduce the stock of fish in Irish rivers, and threaten further grievous injury to the fishing industry.

(4.) In order to counteract these conditions and secure the future prosperity of the Irish fisheries, it is of the first importance to provide for and maintain vigorous and efficient action by the central and the local authorities working in harmonious co-operation.

(5.) A re-constitution of the Boards of Conservators is necessary in order to place them in a strong position for taking action of this kind, and to ensure that they shall fully represent the various fishery interests, especially those of the new small holders.

(6.) The following is the suggested constitution of the Boards :—

- (a.) They should consist of elected and nominated members, the numbers being fixed for each district by the Department.
- (b.) The elected members to form three-fourths of the whole body, and the nominated members one-fourth.
- (c.) Candidates for election to be either riparian owners paying the ten per cent. rate, or licence holders of three years' standing.
- (d.) The electorate to consist of all licence holders and riparian owners who pay the rate.
- (e.) The nominated members to be selected by the Department from the riparian owners and licence holders who are the largest contributors to the funds of the district or, being contributors, are largely interested in the district. At least half of the nominated members should be riparian owners.
- (f.) The term of office of the Boards to be three years as at present.
- (g.) Persons convicted of an offence against the fishery laws to be disqualified as candidates, electors and Conservators. Failure to continue paying licence duty to disqualify a Conservator nominated as a licence holder.
- (h.) In the cases of fishery districts of wide extent, executive committees might be appointed for the discharge of many of the Boards' duties, and the meetings of the Boards might be held alternately at different centres. An officer of the Department should, when practicable, attend the meetings.

(7.) If the Boards of Conservators are effectually to discharge their important duties, especially in the matter of protection, an improvement in their financial circumstances is imperative. An increase of revenue might be secured by the following means :—

- (a.) A thorough revision and re-organisation of the systems in operation for the valuation of fisheries and for the collection of the ten per cent. rate.
- (b.) Repeal of the provision which allows the amount in respect of the ten per cent. rate paid by a fishery proprietor to be reduced by the amount of his licence duty.
- (c.) An endorsement fee to be payable on a rod licence when the holder desires to fish in a district other than that in which the licence was issued.
- (d.) A revision of the licence duties on nets directed towards framing a scale in stricter proportion to earnings.
- (e.) A licence duty, limited to a maximum of ten shillings, for trout angling, to be applied at the discretion of the Conservators to the whole or portion of a fishery district, with the approval of the Department.
- (f.) Properties in fishing to be relieved from contribution to local rates, and, in lieu of these rates, Boards of Conservators to be empowered to increase the ten per cent. rate to such higher amount, not exceeding twenty per cent., as may be approved by the Department.

(8.) Section 37 of the Local Government Act of 1898, which provides for representation of District Councils on Boards of Conservators in virtue of their contributing to the Boards' funds, should be repealed.

(9.) The Boards of Conservators to have power, subject to a bye-law, or the approval, of the Department, to take over and administer fisheries not valued, or being unused or misused by the owners of the adjoining lands. The profits of such administration to be distributed amongst the riparian owners.

(10.) Suitable forms of combination amongst tenant purchasers for the protection and letting of their fishings are essential, and would give most beneficial results.

(11.) In future sales under the Estates Commissioners or the Congested Districts Board, fishing rights should, wherever possible, be reserved by the Commissioners or the Board. These Departments might, with the aid of such reservations, take action towards promoting combination amongst riparian owners in suitable ways.

(12.) Netting in fresh waters should be abolished as far as practicable. The licensing of new nets should be made subject to the approval of the Department.

(13.) Limitations should be placed on drift netting at sea, if practicable in respect of the number of nets to be licensed, but in any case as regards their length.

(14.) The machinery for protection at present employed requires much strengthening. A much larger staff of bailiffs, who should be men of a higher type than the present, and better paid, is indispensable. Efforts should be made to induce riparian owners, in their own interests, to protect, and increase the value of, their fishing properties.

(15.) In cases of organised efforts to commit offences against the Fishery Acts, the assistance of the Royal Irish Constabulary should be available in support of bailiffs. The prevention of fishery offences of a kind injurious to the public interests should be specifically included amongst the important duties of the Constabulary.

(16.) The Department should be empowered to vary, and, where necessary, to extend the weekly close time. They should also have power to fix separate weekly and annual close seasons for different parts of the same river.

(17.) The minimum penalties for first offences against the Fishery Acts should be reduced, with a view to obviating remissions and appeals to the Lord Lieutenant, and there should be an appeal to the County Court Judge, sitting alone.

(18.) When persons are found in the possession of salmon or trout during the close season for nets, the onus of proof of legal capture lies upon such persons.

(19.) When persons are found in possession of either legal or illegal engines under circumstances causing suspicion of illegal use, the onus of proof to the contrary should lie upon such persons.

(20.) There are numerous trout streams and small lakes which, though not of much value at present, are capable of being developed into valuable properties. Co-operative action in regard to these waters by Conservators and riparian owners would lead to useful results.

(21.) The Department should be empowered to deal with the master of the construction of fish passes in old mill dams.

(22.) The Department should have power to make a decennial inspection of fishing weirs in order to enforce the making of necessary changes in King's Gaps which may have become ineffective through the operation of natural causes.

In conclusion, we desire to express our very high appreciation of the services of our Secretary, Mr. R. H. Lee, of the Department of Agriculture and Technical Instruction, who has been indefatigable in his exertions to help us in every matter connected with the discharge of the business of the Committee.

DAVID HARREL, *Chairman*.

JOHN ROSS.

FREDERICK S. WRENCH.

J. P. MAHAFFY.

STEPHEN GWYNN.

W. L. CALDERWOOD.

WM. SPOTSWOOD GREEN.

R. H. LEE,

Secretary,

25th September, 1912.

I sign the above Report, because I concur with my colleagues in the general conclusions arrived at, but with reservation as to all matters referring to the functions of the Department of Agriculture and Technical Instruction, of which I am an Official.

WM. SPOTSWOOD GREEN.

MEMORANDUM ON TROUT FISHING BY THE REV. DR. MAHAFFY.

We append the following memorandum, by the Rev. Dr. Mahaffy, on the present condition of Trout Fishing in Ireland.

I am very sorry that I feel it my duty to append this memorandum to the Report, which I have signed not without hesitation. From the outset I understood that the duties of the Committee must include the question of trout fishing (both white and brown) as well as that of salmon. Nor did I hold that the words in the terms of reference, "particularly salmon fishing," in any way excluded the consideration of other fish. The inquiry included the value of Irish inland fishing both as an item of direct value to the people in the sale of this supply of food, and as an item of indirect value in the sport it promoted, and therefore the considerable profits it brought to the whole neighbourhood concerned.

In the case of salmon the chief question is the supply of the market, for the number of sportsmen who pay large rents for salmon fishing is small, and not likely to increase till salmon fishing is far more widely appreciated. But the number of people who come to Ireland yearly to fish for trout is enormous, and rapidly increasing, whereas the trout fishing, which was once excellent, has been allowed to diminish and decay till we are within sight of its almost complete extinction as a sport worth having or renting. I thought the Committee should have held public sittings for the sake of this inquiry, and made suggestions, in the first place, how existing fishings should be preserved and extended; and secondly, how trout fishing might be recovered, or newly instituted in districts where it now no longer exists.

With these objects in view, I took care to ask questions, wherever we sat, regarding the trout fishing of the district, and we elicited, in North Donegal, important evidence from Mr. Hugh Law and Dr. Patterson, how a trout lake had been created and another easily improved. But these opportunities only occurred when there was a salmon river under discussion. The large tracts where there is only brown trout fishing, or where sea trout fishing predominates over every other kind, were not considered in our public sittings. The Chairman so far yielded to my representations as to authorise me to visit these districts single-handed, and without holding public sittings. If I had commanded ample time, I might have reported upon them all, but the process of eliciting evidence by going to see the witnesses whom I could not summon proved so slow and laborious that I had to content myself with examining one great district (from Clew Bay to Galway Bay) as the Committee desired that I should report promptly and not delay the issue of the Report. But I must express the earnest hope, which will be justified in the sequel, that another Committee devoted to trout fishing and its conditions may complete the work done by us, and supply this deficiency of the present Report.

It must be remembered that while in England almost all trout fishing is river fishing, such is rather the exception in Ireland. The vast number of lakes, all of which held trout formerly, make lake fishing, even of sea trout, quite the principal consideration. At all events, the river fishing for brown trout is mainly along the east coast, and this was partially covered in our enquiries regarding the head waters of the Boyne, the Slaney, and the Barrow, etc. The three great systems or clusters of lakes in the counties of Monaghan and Fermanagh; the great and celebrated group of the Westmeath lakes, apart from the Shannon, and the myriad lakes of Connemara were not brought within our public sittings. Regarding the lakes along the Shannon, especially about Boyle, we got, however, important and very suggestive evidence. The lakes in the south, even in Kerry, are not so many as in the north-west and west; yet even here we found one fine water, Inchigeelagh, ruined within the last few years by the arrival and spread of pike.

I shall now proceed to give an account of what I learned in South Mayo and in Galway, and if I put it in my own person, and not in the mouths of the witnesses I consulted, be it remembered that as I had no authority to summon witnesses to a meeting, but had to seek them out individually, I had no shorthand writer with me, and am therefore unable to furnish more than the impressions derived from their conversations, verified by personal inquiry, and by notes taken on the spot.

The south coast of Clew Bay has little sea trout fishing; there are not any large lakes in easy contact with the sea, and the main river there (the Louisburg) is considered almost wholly a salmon river. I found, however, a solid wall built across the water, about half a mile from the mouth, which no sea trout could surmount except in a very high flood, and so they are debarred from coming in with every tide, as is their habit elsewhere (*e.g.*, at Ballinahinch). This obstacle was built by way of supplying a mill-stream for the working of a mill idle the whole fishing season, and only worked in winter. The law should exact the leaving of a gap in such an obstacle during the time that fish are running. In all the country about Westport there are lakes, and they all hold many brown trout, but none of them is of a quality worth catching. It is, of course, as yet uncertain whether this small and poor quality of fish comes from want of feeding, from inbreeding, or from old characteristics which no known treatment could remove. The first experiment which should be tried in these lakes, where the bottom, or part of it, is of gravel and stones, is the crossing of the breed. Fish brought from a neighbouring river or lake are known (*cf.* Dr. Patterson's evidence) to have the effect of increasing the size and the quality. But as yet no one has dreamt of improving the fishing of these lakes.

When we come south to the mountains which form the north bank of the Killary, we have much more important fisheries—the system of lakes which issue in the Delphi river, and the lake Townyard which empties into the Errive river, which comes down the valley from Westport to Ashleagh, forming the boundaries of the counties of Mayo and Galway. Here is one of the most famous sea trout fisheries; and the Errive is, moreover, a notable salmon river, and enjoys the privilege of a

salmon hatchery. In these fisheries, and in the net fishing of the Killary, which the law permits far too close to the narrow exits of the Errive and the Delpbi rivers, two facts were attested to me. First, the salmon fishing was this year, as far as nets were concerned, distinctly improved. This was attributed by Mr. McKeown, the intelligent hotel-keeper at Leenane, who buys the net-fishers' catching, to two causes—the result of the hatchery, which increases the numbers of fish in the bay, and the taking off of most of the drift nets which have been working outside the island of Achill, twenty miles northwards, and interrupting the course of the fish. Secondly, the sea trout fishing had deteriorated, both as to size and number of the fish, but especially the former. This was certainly the case as to Townyard, a lake I have often fished years ago, and when there was sport which seems quite fabulous to this generation. This decay of the sea trout fishing I found even more pronounced in the great fisheries of southern Galway, and it was attributed by almost every witness to the mackerel nets established round the coast by the Congested Districts Board, which were said to catch all the larger fish, so that a sea trout of three or four lbs., formerly quite common, is now a rarity. The salmon netting in this narrow bay had doubtless the same effect. Certain it is that while the Errive and Delphi fisheries have gone up enormously in the money value, the rod fishing has so deteriorated, that one wonders how long rich strangers will continue paying for such small results.

The next fisheries going south are the system of Loughs Feagh and Muck, with the river below them, which never afforded first-rate sea trout fishing, though the lakes contain, as do all of them, occasional very large brown trout, commonly known as the *salmo ferax*, and parallel with them to the south the chain of Kylemore and Pollacoppel, with the river flowing to the sea near Letterfrack. These waters are in the hands of the Duke of Manchester and of Lord Normanby, and I was unable to find witnesses to tell me how they compared with their condition in olden days, when I fished them frequently. It will hardly be hazardous to assert that here, as elsewhere, both salmon and trout fishing are not so good as they were.

It may be as well to pause in this survey, and consider for a moment the two causes alleged by many witnesses for this alarming decadence of a great national asset. Poaching at the head-waters, and netting in the sea are charged with the result. I found that while in the Marquis of Sligo's fisheries, he found considerable difficulty in contending with inland poachers, seeing that both along the Loughsburg and Errive rivers there was a considerable population—the proprietors in Galway (except Lord Killanin) had little complaint to make. In particular, Mr. Berridge, who pays an army of watchers in the spawning season, regarded it rather as a tax demanded from him by old custom, and by which a large number of people earn some wages in winter, when farming and fishing are at a standstill, than any help in keeping up the supply of salmon and sea trout.

The fisheries south of the Twelve Pins are very interesting in many ways. The four principal—Ballinahinch, Inver, Costello, Screeh, are all distinct watersheds to the sea, and yet they all belong to the one great Martin estate, now the property of Mr. Berridge. Of these the system starting with Lough Inagh going through Derryclare, and Glendalough lakes to the sea at Ballinahinch, is one of the most important for angling in Ireland. It is both good for salmon and sea trout; there are many brown trout lakes close to this water, but the fish are so small that they have hardly been thought of as a means of sport. The fishery is let in about six sections; there are lodges or hotels along its course, and it is a most valuable property. But here again, though the salmon fishing seems to be as good as ever, the great attraction of the lakes is sea trout fishing, now seriously decayed—not in quantity—it is not unusual for a single boat with two rods to catch thirty or forty sea trout in the day—but the size has so diminished that sportsmen are beginning to despise the pursuit, and say it is only fit for ladies. The owner of Costello was reported to me to have said that the average of one and a-half lbs., when he first took the fishing, was now reduced to three-quarters of a lb. And yet he has established, I believe, a hatchery and has done his best to improve the fishery. There are still plenty of fish to be had, but a great number are herring size and smaller. I myself this year saw white trout frequently caught of a smaller size than I had ever seen them.

Regarding the cause of this change, the opinions of almost all my witnesses were in agreement. It was the result of mackerel fishing, carried on quite legally, and some miles out from the rivers' mouth, but still intercepting the course of the fish, and catching all the larger fish, while the little ones escaped. It was also asserted by many trustworthy witnesses that net-marks were frequently found on the fish caught with the rod. On the other hand, some net fishermen whom I questioned, denied that they caught any number of sea trout in their mackerel nets, and also pointed out to me that the mesh which takes an ordinary mackerel is small enough to hold a sea trout of under one lb. I did, however get some statements that from Roundstone there were separate boxes of sea trout sent to London by the local buyers. Whether this, which implies a considerable take, is true and was concealed from me, I am unable to decide. I could find no other natural cause of this decay of size in sea trout asserted or even imagined by the fishermen who denied that it was caused by the mackerel nets. I was also told that the mackerel fishing was not very profitable or popular, being introduced and promoted by a Department, and so far artificial. With this I am not here concerned, except so far as to note the danger of introducing a new industry which may destroy an old one, and then itself fade away completely. Examples of this mischievous *πολυπραγμοσύνη*, as the Greeks called it, are common in the history of Ireland.

A few miles to the east there is another separate water, Lord Killanin's river at Spiddal; on its higher source, there are other riparian owners. There is but difficult access to a large lake or lakes above it; Lord Killanin nets the narrow mouth. There is certainly a great deal of poaching; and yet there is a considerable supply of fish, and very good days have been recorded even last year. But here, too, the size of the sea trout has sensibly diminished. It is also to be observed that some brown trout lakes on this water, and in the neighbourhood, contain a better class of fish than is usual, and that there is every reason to believe that with some care good fishing could be established apart from the supply from the sea. But this has never yet been thought of.

I now come to the most important water in Connaught, if we disregard the bordering Shannon—I mean the Galway fishery, including Loughs Corrib and Mask and their supplying streams. This system, which almost cuts off Iar Connaught into an island, and which marks the western limit to which pike have penetrated, is still the great home of good brown trout fishing, and shares the primacy with the Shannon lakes and those of Westmeath. Not only in Loughs Mask and Corrib, but in their tributary rivers are there very fine brown trout to be found, while it is notable that this water has never been known as a white trout resort. The causes alleged by the natives and the local authorities are probably all imaginary, but are in any case not scientifically established. Some blame the lime-stone bottom, others the presence of pike, etc. The matter is being brought to the test by Mr. S. B. Doig, of Oughterard, to whom this fishing owes so much. He has in his hatchery produced thousands of sea trout which are now gone down into the lake. It will soon be known whether they will return to their parent water. The presumption that some natural incongruity has prevented sea trout from peopling this water, as they do all those in the neighbourhood, seems to me very strong. But in many cases science has succeeded in overcoming nature. As a salmon fishery, the Galway river running through that city, the Clare-Galway river, the lesser rivers at Oughterard and at Cong, are all well known, and there are a few caught in the lake by anglers. Lough Mask is purely a trout (and pike) lake.

Turning to the important question of lake trout fishing in these waters, it is a comfort to find that at last some intelligent and successful efforts are being made to save and develop this sport which, I was told, was worth many thousands per annum to the riparian inhabitants. In the first place, cross line fishing, which was a considerable industry, but affecting only a few boat men, was abolished, and so rod fishing improved even without further action. Then care was taken to net or catch as many pike as possible, and the take of this pest was reported to me to amount to two or three tons in the season. Owing to these precautions the inns and lodgings situate on Lough Corrib are attracting a great number of English sportsmen, and the owners of boats, cars, food supplies, etc., are making considerable profit from this source.

The most important of all Mr. Doig's work for his Preservation Society is that he has established a lake trout hatchery at Oughterard, and brings out thousands of ova under protection every season. He reported to me that this season fishermen in Corrib had noticed the frequent recurrence of herring-sized fish, which were not common hitherto (they were either large or small), and this may be the effect of the greater supply of growing fish. The one defect which these admirable lake trout have is that they do not take the artificial fly freely except in late summer. The best season for them is the May-fly time in May—June. This fishing with the natural fly has long been known on the Westmeath lakes as the only time worth fishing there. It is possible that the introduction of Loch Leven trout might improve this temper in these very well-fed fish. And it has happened that by the accident of sea trout ova running short Mr. Doig has accepted some thousands of the species, so that some of these famous trout are now actually in Lough Corrib. How far these operations at Oughterard will effect the whole great lake I do not know. It seems certain that the rod fishing on the opposite side at Carrick House, which is some miles away, has improved as much as that near the hatchery.

Of the head-waters I only got a particular report about that which flows from near Leenane down to Maam, and it is called by various names. Here in spate fine trout running to three lbs. and over take freely, and are brought to the Leenane Hotel. The stream falls rapidly, and is not suited to maintain pike, which swarm at the head of the lake at Maam. But there is said to be much poaching of these fish by the natives of the valley. It seems, therefore, likely that all affluents of Lough Corrib could be made good trout streams, as the fine species of the lake use them freely for spawning beds, as they do also the shallows round the numerous islands.

Before leaving Lough Corrib another alleged enemy of trout in the lake must be mentioned.

In speaking of the campaign against pike, Mr. Doig told me that the perch was considered a great destroyer of trout and salmon fry coming down from the little spawning streams into the lake, that the fish congregated in shoals at the mouths of these rivers, and lived on the fry. He added that perch were said to spawn out in the deep of the lake, and were caught by netting there. Netting for perch has been the subject of an inquiry at Lough Sheelin, and it was not forbidden (as was desired by the trout fishers) because it was represented as a valuable industry in itself, the net fishers obtaining a price for this fish. This was to me a curious novelty, seeing that perch are to be found in every northern lake, especially the small ones, in quantities, and that they were but seldom exposed in the local markets. The other point of interest, however, is that there is evidence of the sudden increase of this fish in certain waters, and hence the arising of a new and unexpected danger to trout fishing. The allegation that new fish have been imported, or have suddenly multiplied, is as old as the travels of Arthur Young (1770). There seems no doubt that carp and tench, and above all pike, were imported from England by monks or by English grandees at a far more ancient date. Of these the first two are all but (if not wholly) extinct; the third threatens in the course of another fifty years to ruin all the trout fishing in the smaller lakes of Ireland. A notable instance is that of the small lake at Ross, lying between the high road and Lough Corrib, which was an excellent trout lake twenty years ago. Now that sport is extinct; there are no fish to be caught but pike. I can cite numerous similar cases from my own experience in County Monaghan.

Lough Mask in general is very similar to Lough Corrib. There is the same rocky bottom, the same prevalence of limestone, the same fine trout, the same large and numerous pike and eels, but there are no salmon. Though there is a great deal of resort to the lake on the part of visitors, who stay at Ballinrobe or Clonbur, or in rural lodgings, there has as yet been no such care shown in promoting the sport as has been shown by the preservers of Lough Corrib. But I had not time to make personal inquiries round this lake, and cannot therefore speak of it with any detail in this minute. If it be indeed left to nature, and Lough Corrib continues to be protected with intelligent care, and its supply of fish increased by hatcheries, then we may expect that in a few years Lough Mask will be neglected by visitors, and all the profits will accrue to Lough Corrib. I will here add that there are fishermen who regard the presence of some pike in these lakes as not an unmixed evil. They think that the poorer trout are the natural victims of their enemies, and that the struggle for life is likely to improve the quality of those that survive.

It may be regarded as a corroboration of this view that in the small affluents of the Boyne (Counties Meath and Westmeath) there is still some trout fishing which attracts keen anglers from Dublin owing to the quality of the fish, though the sluggish pools abound with pike. The river which runs through Clonbrock, an affluent of the Suck, still contains fine trout, though pike abound, whereas not far off a river running west near Dunsandle and to Galway Bay, though having no pike, has during the last few years shown a marked disappearance of trout. This I have on the evidence of Capt. Daly, of Dunsandle. Such questions as these require careful study or even experiment; the evidence I could gather was far from sufficient to warrant any positive conclusion. But as Bacon puts it: *Prudens interrogatio disidium scientiæ*.

The researches made in this western county proved such a tax upon my time that I was unable to do more for the present. To visit the other centres of trout fishing in Ireland would have required several distinct visits, and two or three separate fortnights for each. The following I had intended to visit, and a knowledge of them is essential to any complete report on the subject.

There is a system of lakes in the very middle of Ireland, connected with the affluents of the Shannon (Inny and Brosna), which holds a fine lake trout, long known for the sport of dapping with the may-fly. These lakes have for generations attracted many visitors for the three weeks of that season (May—June), but not at other seasons, as Lough Corrib does. It is a question of great moment whether the crossing of the breed or the introduction of Lough Leven trout might not make an improvement in this matter, or produce a fish which would take the artificial fly. But it must be remembered that experiments have their risks. That of introducing rainbow trout has been a complete failure, and probably injurious to the pre-existing fishing. In the case of these lakes, however, an experiment might be tried with one. The Fisheries Board may then keep a list of what has been done, or whether anything has been done, to improve them, to kill pike, protect spawning, etc. But this might best be obtained by holding an official inquiry at Mullingar, where the evidence might be collected. For this sport has been for at least seventy years, and probably longer, a source of profit to the poor people living round these lakes. I have no report as to the decay of the rod-fishing, and it would require a trustworthy local witness from each lake to give evidence of any value, but it can hardly fail to be true, that the general causes which have affected trout fishing in Ireland must operate here also, and that it will require intelligent care to prevent this once fine and attractive sport from disappearing, to the great loss of anglers, and the far greater loss to the poorer inhabitants of the district.

There are several other groups of lakes, sometimes close together and yet not connected, in which I know personally that there is, or there has been, good trout fishing which never received any intelligent attention. I can quote one in the south-west of County Donegal, and the neighbourhood of Ardara, where there are small lakes holding good trout, and well worth exploiting as a sporting resort. Probably some intelligent inn-keeper has already done this at Ardara, but all such centres should be catalogued and kept under observation.

A far larger and more important area, which I knew in my youth as the home of excellent lake fishing, is the tract comprised in the Counties of Monaghan, Fermanagh, and Cavan, where there are scores of lakes, all of which have been trout lakes, and in many of which there was still fine fishing in my youth. The fish were not the same species as those of the Westmeath lakes, but golden, with large red spots, and often running to five or six lbs. in weight. The gradual destruction of all this fine fishing can be referred, with little doubt, first : to the spread of pike from one to the other, by those mysterious means which have not yet been explained; secondly, to the spread of the growth of flax whereby the little streams feeding these lakes are poisoned. But it should be noted that the great advantage of lakes over rivers in this connection is that lakes are not to be posched and poisoned like rivers, and that flax water escaping into a lake, though very injurious to the fishing, does not kill the fish. As regards the rivers in this county, and several of them were excellent, the same cannot be said. - In them flax is the fatal scourge, in the lakes, pike.

Is there no resuscitation of this sport, and therefore industry, possible? If it be true that intelligent treatment of these lakes might produce the result that fishing lodges would be built on their shores, and occupied in summer by fishermen and their families, paying rent and living on the produce of the neighbourhood—if this be a reasonable forecast, surely the Congested Districts Board might turn its attention to this development of fishing, which will injure no other, and which if it have the grave objection of affording amusement to the richer classes, may yet largely benefit the poorest riparian farmers! Anyone may see for himself how much Connemara benefits by the support of the rich sporting visitor. Why should not other parts of Ireland do the same? In the present case I can affirm from experience, that the waters can hold and did hold very fine trout. There is no question about that, as there may be regarding the myriad bog lakes of western Galway. To extirpate pike in any of them might be very difficult; to kill a vast number before stocking with trout, and afterwards to keep them down by careful netting, etc., is perfectly feasible. This latter process is carried out with very good results at Sir John Leslie's historic Lough Derg, near Pettigo.

On all these questions public sittings of the Committee at Clones and at other suitable centres might have elicited valuable evidence. The fishing rights of these lakes are now absolutely of no value to the riparian owners. They could be acquired for a nominal price, provided the owners were secured a portion of the profits when such accrued. The new owners would then have an interest in protecting the waters from the pollution of fermenting flax water.

It has been, I know, the policy of the Fisheries Board to give active advice and help to all local organizations which undertake any such work, but the Board do not seek to create a fishery, where none at present exists, nor do they interfere when the local public does not take the first move. There is so much to be done for those who crave help, and it has been hitherto so shackled with legal and other obstacles that the policy of the Fisheries Board seems commanded by common-sense. But at this moment, when it is the fashion to recommend and thrust on the hut half-willing peasantry all sorts of new industries, it ought surely be within the power and the policy of the many Boards which compass the welfare of Ireland, and more especially of the poorer classes, to take up this problem in a very intelligent and diligent portion of the north, yet not the industrial north, but where the main body of the population is native, not imported, and where the existence of great tracts in small agricultural farms makes some subsidiary sources of income most important to the people. The lake trout fishery of Ireland, if properly organised, could be a vast source of profit to the country. To the tourist traffic alone it would afford a stimulus now incredible. It would benefit almost every class. It might even induce those who are now giving up their residences and leaving the country, because of its dullness, to remain, and spend their diminished incomes in their old homes. It would enhance the value of many properties, and it is safe from the invasion of sea-netting, which may soon destroy the pursuit of salmon and sea trout for sport in Ireland.

These are the chief reasons why I cannot but deplore that the Committee did not prolong and extend its sittings, and obtain full and satisfactory evidence on one of the most peculiar sources of wealth which Ireland possesses. I am bound to add that any such inquiry would have entailed a delay of at least six months in the publication of this Report. The various avocations of the different members of the Committee made it very difficult for the Chairman to arrange meetings. The months, *e.g.*, of July, August and September, when I am wholly free, did not suit others—spring and early summer, which suited others, did not suit me. In every case the Chairman used the greatest patience and courtesy in accommodating not me alone, but all of us.

J. P. MAHAFFY.

NOTE BY THE CHAIRMAN.

Several paragraphs of his memorandum give the impression that Dr. Mahaffy's views as regards the holding of sittings with special reference to trout fishing did not receive from the Committee the consideration which was due to them. There are in fact no grounds for such a suggestion.

It was only when a meeting was held to consider the draft report that Dr. Mahaffy proposed that sittings should be continued in various districts for the purpose of obtaining further evidence on the subject of trout fishing. Every member of the Committee was afforded the opportunity of expressing an opinion on this matter, and the proposal to hold further sittings did not receive any support.

In deference to his desire to contribute a paper on trout fishing, it was arranged that Dr. Mahaffy, as a member of the Committee, should visit the districts which he considered to be necessary for his purpose. His memorandum is the result.

The Committee feel indebted to Dr. Mahaffy for the trouble he has taken in preparing it, the only subject of regret being his inclusion of the paragraphs which render this note necessary.

NOTE BY MR. STEPHEN GWYNN, M.P.

Mr. Stephen Gwynn adds the following amplification in support of our recommendations in paragraphs 56 and 57.

Sections 56 and 57.—I do not think that these deal adequately with the question.

(1.) As to fresh water netting and netting in estuaries, the men who follow this trade follow it through the whole season. It is their livelihood. I do not think that the practice should be abolished, but, in the interests of the men themselves, it is necessary that it should be regulated. A privilege is granted with the issue of a licence; and it should be granted, I think, as offering a means of livelihood, not as a way of supplementing other occupations. Unlimited multiplication of licences means that the take is too widely distributed to afford a decent living. Probably no net men in Ireland get better value for their licences than those who pay on the Blackwater £18 for the right of netting, as against £3 elsewhere. I recommend:—

- (a) That power should be given to the Department to fix a maximum number of nets of a length specified by them to be fished in any district, and that where different kinds of nets are used they should have power to regulate the maximum length of net in each case, and the maximum number of each kind.
- (b) Subject to this, I think that the Conservators should have power to vary the licences, that is to say, that a maximum licence should be fixed for the district by the Department, leaving it to the Conservators to impose the full licence or not. There would thus be elasticity in the check, but the limitation on the total number would prevent undue depletion of the stock of fish. This would be more readily accepted, because men fishing in a river realise that their profit depends upon the stock of fish breeding in that particular river.

(2.) The question of drift-netting at sea is different in kind, and more serious. The evidence given before us appears to prove conclusively that while the spring fisheries have maintained themselves at a fair average, the summer run of fish has been enormously reduced in the last ten years. This diminution of the grilse fishing is clearly evidenced at such centres as Listowel and Killorglin, far south on the west coast; and it coincides with the development in north and west Donegal, and in Mayo, of the drift-net fishing. This means that the northern fishermen in three months are taking heavy toll, not only of the salmon making for their local rivers,

but of the whole run along the west coast. Fishing of this sort must be regulated in the public interest. Regard must be had for the fair share of all who control and protect breeding waters, and who are concerned both in the direct exploitation of salmon fisheries and in the indirect profit which accrues to the owners of houses and lands where salmon fishing makes an attraction for residents and visitors. This class already consists largely, and will consist increasingly, of tenant purchasers.

The whole stock of salmon in the sea should be treated as a central public asset, and should be under central public control. I hold, therefore, that the Department (a) should be empowered to limit the total number of sea drift-nets, and to allocate them to any given district—having power, of course, to vary the allocation; (b) should regulate of its own motion, without waiting for a local demand, the length of net to be fished; and (c) should fix licence, as to the amount of which the Conservators should have no discretion.

As to (b), I think the average length now fished by open boats should be taken as the standard. As to (c), if the number of nets were fixed there would be no need to put on prohibitive licence duty, but £3 is too low.

I would point out that such control is desirable in the interests of the fishermen themselves. As at present practised, this fishing gives an occupation to men for about six weeks in summer. It has been highly lucrative. I have myself known one boat, with its crew of four, to kill over a thousand fish in the time, representing at least £300 in value. This was on Sheephaven Bay. Other boats got over five hundred. The exploitation was begun in the interests of English firms who supplied nets to the local men, but it is probably only a matter of time before capitalised enterprise goes into this business with either steam or motor-driven boats fishing a very long net. At present there is no legal limit to the net fished on the £3 licence, and there is no reason why a three mile net should not be used. The result will be, as it has been in the herring fishing, that the local men, depending on open boats, will find their industry destroyed; and, if the thing be pushed far enough, the sea may be swept bare of salmon.

Up to the present this has only affected the summer run, but there is certainly no established proof that the same thing may not be done for the spring run of salmon, and it is stated that the English firms are already attempting this further method of exploitation.

Finally, since this particular fishing affects not one district alone, but the whole coast, I think it desirable that the Department should have discretionary powers to extend the existing close time, and should direct the necessary patrolling to enforce the close time.

These recommendations imply a great increase of Departmental control. But changes in the ownership of land have at once increased enormously the number of actual or potential interests, and also weakened very considerably the machinery for protection of the stock of fish.

STEPHEN GWYNN.

